

Appln. No. 09/746,713
Amendment dated May 24, 2005
Reply to Advisory Action of April 6, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The April 6, 2005 Advisory Action and the Final Office Action mailed September 23, 2004 have been carefully considered. In response, a Request For Continued Examination is submitted, entry of the March 23, 2005 Amendment After Final Rejection is requested, and new claim amendments are submitted herewith. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

ADVISORY ACTION

In the Advisory Action dated April 6, 2005, the Examiner indicates that the Amendment filed March 22, 2005 does not place the application in condition for allowance because the Examiner contends that the cited references disclose the features recited in the claims.

In response, claim 16 is amended to more clearly define the present claimed invention over the cited references.

Specifically, claim 16 is amended to recite that the pulse generator of the laser scanning microscope receives the trigger signal and generates sampling pulse signals for each trigger

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signal for a predetermined output period required for data acquisition only. Claim 16 is also amended to state that the sampling pulse signals are generated during the predetermined output period to obtain a fluorescent decay curve with one excitation of a fluorescent signal.

Although Marcu et al. (column 7, lines 49-55) disclose "fast recording in one scan of both steady-state and time-resolved fluorescence spectra," Applicants consider that the "one scan" means "scanning of a wavelength." For example, the description just before the above description, at column 7, line 47 states "monochromator wave length scanning" and line 52 states "scanning wavelength steps." LIFS (laser induced fluorescence spectroscopy), which is the theme of Marcu et al., acquires data related to the wavelength spectra of fluorescence, and does not acquire an image by spatially scanning a laser beam in two-dimensions as the LSM (laser scanning microscope) of the present invention. Therefore, the "one scan" cited by the Examiner does not suggest "two-dimensional scanning for acquiring an image in one scan" as in the present claimed invention.

Marcu et al. do not disclose that time-resolved data can be acquired in each wavelength by one excitation. Referring to the description of the embodiment at column 7, lines 12-42 of Marcu

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et al., as argued previously, Marcu et al. disclose emitting a laser beam a plurality of times, and acquiring time-resolved data by shifting the timing of the time gate by 5n sec for each excitation (column 7, line 38). Thus, Marcu et al. do not disclose, teach or suggest the time change of fluorescence in one excitation.

That is, the present claimed invention as defined by claim 16 is patentable over the cited references because the references do not disclose, teach or suggest a laser scanning microscope including, inter alia;

a pulse generator which receives the trigger signal and generates sampling pulse signals for each trigger signal for a predetermined output period required for data acquisition only; and/or

wherein the sampling pulse signals are generated during the predetermined output period to obtain a fluorescent decay curve with one excitation of a fluorescent signal (see claim 16, lines 9-17).

In view of the foregoing, claim 16 and claims 17-20 which are dependent on claim 16 are patentable over the cited references under 35 USC 102 as well as 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Encl.: Request for Continued Examination (RCE) Transmittal